



8/21/04

PATENT APPLICATION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on July 23, 2004.

Jeffrey D. Myers, Reg. No. 25,964

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Tom Klitsner, et al.

Examiner: S. Kalafut

Group Art Unit: 1745

Serial No. 10/056,736

Filed: January 24, 2002

For: FUEL CELL AND MEMBRANE

AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In response to the Office Action dated March 24, 2004, please amend the above-identified application as follows:

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this paper.

Remarks begin on page 16 of this paper.

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Claims 1-4, 6-8, 10, 29, 30-40, 50, 52, 60, 61, 63-65, 67, and 74 were rejected under 35 U.S.C. § 102(e) as being anticipated by Neutzler et al. or Koripella et al. The rejection is traversed because the earliest effective filing dates of the two references are December 15, 2000, and July 18, 2000, respectively. The present application claims a chain of priority back to U.S. Provisional Patent Application Serial No. 60/132,909, filed May 6, 1999, which discloses at least the present application as claimed in the original independent claims 1 and 75, including the etch processing of the porous film / electrode.

Claims 13, 14, 48, 62, and 73 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the references cited earlier and including Fasano et al. The rejection is obviated by the amendment of claim 1 noted above.

The specification was objected to as containing a reference to Fig. 1. This has been corrected.

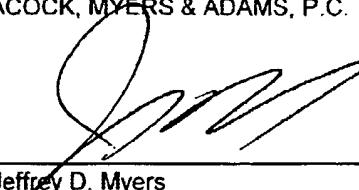
A check for additional claim fees is attached. Authorization is given to charge payment of any additional fees required, or credit any overpayment, to Deposit Acct. 13-4213. A duplicate of this paper is enclosed for accounting purposes. Also being filed herewith is a Petition for Extension of Time to July 26, 2004, with the appropriate fee.

An earnest attempt has been made to respond to each and every ground of rejection advanced by the Examiner. However, should the Examiner have any queries, suggestions or comments relating to a speedy disposition of the application, the Examiner is invited to call the undersigned.

Reconsideration and allowance are respectfully requested.

Respectfully submitted,

PEACOCK, MYERS & ADAMS, P.C.

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